

## PART 659—RAIL FIXED GUIDEWAY SYSTEMS; STATE SAFETY OVERSIGHT

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AUTHORITY: 49 U.S.C. § 5330.

SOURCE: 60 FR 67046, Dec. 27, 1995, unless otherwise noted.

### Subpart A—General Provisions

#### § 659.1 Purpose.

This part implements 49 U.S.C. 5330 by requiring a State to oversee the safety of rail fixed guideway systems through a designated oversight agency.

#### § 659.3 Scope.

This part applies to a State that has within its boundaries a rail fixed guideway system not regulated by the Federal Railroad Administration (FRA).

#### § 659.5 Definitions.

As used in this part—

*Accident* means any event involving the revenue service operation of a rail fixed guideway system if as a result:

(1) An individual dies;

(2) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or

(3) A collision, derailment, or fire causes property damage in excess of \$100,000.

*APTA Guidelines* means the American Public Transit Association's "Manual for the Development of Rail Transit System Safety Program Plans," published on August 20, 1991.

*Contractor* means an entity that performs tasks required by this part on behalf of the oversight or transit agency. The transit agency may not be a contractor for the oversight agency.

*FTA* means the Federal Transit Administration, an agency within the U.S. Department of Transportation.

*Hazardous condition* means a condition that may endanger human life or property. It includes unacceptable hazardous conditions.

*Investigation* means a process to determine the probable cause of an accident or an unacceptable hazardous condition; it may involve no more than a review and approval of the transit agency's determination of the probable cause of an accident or unacceptable hazardous condition.

*Oversight agency* means the entity, other than the transit agency, designated by the State or several States to implement this part.

*Rail fixed guideway system* means any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway that is:

(1) Included in FTA's calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 U.S.C. 5336); and

(2) Not regulated by the Federal Railroad Administration.

*Safety* means freedom from danger.

*Safety review* means a formal, comprehensive, on-site examination by the oversight agency of a transit agency's safety practices to determine whether they comply with the policies and procedures required under the transit agency's system safety program plan.

*Security* means freedom from intentional danger.

*System safety program plan* means a document adopted by the transit agency detailing its safety policies, objectives, responsibilities, and procedures.

*System safety program standard* means the standard developed and adopted by the State oversight agency which, at a